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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,066	12/22/2004	Elmo Marcus Attila Diederiks	NL 020628	7327

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BRIARCLIFF MANOR, NY 10510

EXAMINER

PARK, EDWARD

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

11/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,066

Applicant(s)

DIEDERIKS ET AL.

Examiner

EDWARD PARK

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to applicant's amendment and remarks received on 7/30/08. Claims 1-11 are currently pending.

Claim Objections - 37 CFR 1.75(a)

2. In response to applicant's amendment of claims 4, 9, 10, the previous claim objections are withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 4, 9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim calls for the element "at least two ambient sources that is closer to the presentation device than any other of the at least two ambient light sources". One ordinary skill in the art would interpret this claim limitation as setting at least two ambient light sources. Is the setting the ambient light changing at least two ambient light sources? Is the setting the ambient light changing at least one of the at least two ambient light sources? What is considered "other of the at least two ambient light sources"? Is it any light source other than the at least two ambient light sources? Is it one of the ambient light sources of the at least two ambient light

sources? The scope of protection is unclear, and the claim is therefore indefinite. The examiner will interpret the claim limitation as reasonably broad as possible. The interpretation of the claim limitation is setting the property of any ambient light source associated with the presentation device. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 4-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Lys et al (US 6,166,496).

Regarding **claim 1**, Lys teaches a method of controlling at least one ambient light source, the method comprising the steps of:

receiving a video signal by a receiver (Lys: fig. 85; col. 48, lines 49-67, col. 49, lines 32-40, decoder 518 may be designed to separate the lighting control data from the television/entertainment signal); and presenting the video signal by a presentation device (Lys:

fig. 85, numeral 561, col. 49, lines 18-32, col. 50, lines 1-21, entertainment device could be television/entertainment device); characterized in that the method further comprises the steps of: analyzing the video signal to determine optical properties of an image to be formed by the video signal; (Lys: fig. 85, col. 47, line 60 – col. 49, line 8, microprocessor processes certain portions of the bandwidth of television signal for signals relating to the room lights, thus a television signal may instruct the room lights to dim at certain points during the presentation, to strobe to different colors at other points, and to flash at other points); and setting a property of ambient light generated by said at least one ambient light source based upon the determined optical properties (Lys: fig. 85, col. 47, line 60 – col. 49, line 64, color and intensity of room lights may be directly controlled through certain portions of the bandwidth of television signal, control data may be sent to the illumination sources, which are depicted as light modules 100, as a result, illumination control may be associated with an entertainment signal, so that the illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514, room lights may be synchronized and trolled to create different conditions simultaneously with event that occur in programs that are being displayed on a television).

Regarding **claim 4**, Lys teaches a method of controlling at least two ambient light sources, the method comprising the steps of:

receiving a video signal by a receiver (Lys: fig. 85; col. 48, lines 49-67, col. 49, lines 32-40, decoder 518 may be designed to separate the lighting control data from the television/entertainment signal); and presenting the video signal by a presentation device (Lys: fig. 85, numeral 561, col. 49, lines 18-32, col. 50, lines 1-21, entertainment device could be

television/entertainment device); characterized in that the method further comprises the steps of: analyzing the video signal to determine optical properties of an image to be formed by the video signal; (Lys: fig. 85, col. 47, line 60 – col. 49, line 8, microprocessor processes certain portions of the bandwidth of television signal for signals relating to the room lights, thus a television signal may instruct the room lights to dim at certain points during the presentation, to strobe to different colors at other points, and to flash at other points); and setting a property of ambient light generated by said at least two ambient light sources based upon the determined optical properties (Lys: fig. 85, col. 47, line 60 – col. 49, line 64, color and intensity of room lights may be directly controlled through certain portions of the bandwidth of television signal, control data may be sent to the illumination sources, which are depicted as light modules 100, as a result, illumination control may be associated with an entertainment signal, so that the illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514, room lights may be synchronized and trolled to create different conditions simultaneously with event that occur in programs that are being displayed on a television), wherein the method comprises setting the property of the ambient light generated by the ambient light source of the at least two ambient light sources that is closer to the presentation device than any other of the at least two ambient light sources (Lys: fig. 85, numeral 501; col. 50, lines 22-28, col. 48-49; control data can be any data generator capable of generating data for controlling the illumination sources 501, illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514 that create different conditions simultaneously with events that occur in programs that are being displayed on a television, such as flashing, different colors, dimming).

Regarding **claim 5**, Lys teaches setting the property of the ambient light is substantially synchronous with presentation of the video signal by the presentation device (Lys: col. 48, lines 1-26, col. 49, lines 56-64).

Regarding **claim 6**, Lys teaches setting the property of the ambient light is configurable (Lys: col. 48, lines 1-26).

Regarding **claim 7**, Lys teaches setting the property of the ambient light is configurable by a user preference (Lys: col. 13, lines 6-23).

Regarding **claim 8**, Lys discloses a system for controlling at least one ambient light source, the system comprising:

receiving means for receiving a video signal (Lys: fig. 85; col. 48, lines 49-67, col. 49, lines 32-40, decoder 518 may be designed to separate the lighting control data from the television/entertainment signal); and translation means for translating the video signal into a displayable signal by a presentation device (Lys: fig. 85, numeral 561, col. 49, lines 18-32, col. 50, lines 1-21, entertainment device could be television/entertainment device), characterized in that the system further comprises: processing means for analyzing the received video signal to determine optical properties of an image to be formed by the video signal (Lys: fig. 85, col. 47, line 60 – col. 49, line 8, microprocessor processes certain portions of the bandwidth of television signal for signals relating to the room lights, thus a television signal may instruct the room lights to dim at certain points during the presentation, to strobe to different colors at other points, and to flash at other points), and for setting a property of ambient light generated by the at least one ambient light source based upon the determined optical properties (Lys: fig. 85, col. 47, line 60 – col. 49, line 64, color and intensity of room lights may be directly controlled through certain

portions of the bandwidth of television signal, control data may be sent to the illumination sources, which are depicted as light modules 100, as a result, illumination control may be associated with an entertainment signal, so that the illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514, room lights may be synchronized and trolled to create different conditions simultaneously with event that occur in programs that are being displayed on a television).

Regarding **claim 9**, Lys discloses a system of controlling at least two ambient light sources, the system comprising:

receiving means for receiving a video signal (Lys: fig. 85; col. 48, lines 49-67, col. 49, lines 32-40, decoder 518 may be designed to separate the lighting control data from the television/entertainment signal); and translation means for translating the video signal into a displayable signal by a presentation device (Lys: fig. 85, numeral 561, col. 49, lines 18-32, col. 50, lines 1-21, entertainment device could be television/entertainment device), characterized in that the system further comprises: processing means for analyzing the received video signal to determine optical properties of an image to be formed by the video signal (Lys: fig. 85, col. 47, line 60 – col. 49, line 8, microprocessor processes certain portions of the bandwidth of television signal for signals relating to the room lights, thus a television signal may instruct the room lights to dim at certain points during the presentation, to strobe to different colors at other points, and to flash at other points), and for setting a property of ambient light generated by the at least two ambient light sources based upon the determined optical properties (Lys: fig. 85, col. 47, line 60 – col. 49, line 64, color and intensity of room lights may be directly controlled through certain portions of the bandwidth of television signal, control data may be sent to the illumination

sources, which are depicted as light modules 100, as a result, illumination control may be associated with an entertainment signal, so that the illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514, room lights may be synchronized and trolled to create different conditions simultaneously with event that occur in programs that are being displayed on a television), wherein the processing means sets the property of the ambient light of the ambient light source of the at least two ambient light sources that is closer to the presentation device than any other of the at least tow ambient light sources (Lys: fig. 85, numeral 501; col. 50, lines 22-28, col. 48-49; control data can be any data generator capable of generating data for controlling the illumination sources 501, illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514 that create different conditions simultaneously with events that occur in programs that are being displayed on a television, such as flashing, different colors, dimming).

Regarding **claim 10**, Lys teaches synchronization means for synchronizing the presentation of the display signal on the presentation device with setting the property of the ambient light (Lys: col. 48, lines 1-26, col. 49, lines 56-64).

Regarding **claim 11**, Lys teaches a lighting unit comprising a light armature (Lys: figure 85, numeral 501) and the system as claimed in claim 8 (see rejection of claim 8).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2, 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lys et al (US 6,166,496) in view of Ludwig (US 6,689,947 B2).

Regarding **claims 2, 3**, Lys discloses all elements as mentioned above in claim 1. Lys does not disclose face recognition and facial expression recognition.

Ludwig teaches face recognition and facial expression recognition (see col. 32, lines 1-9 recognition of human facial expressions from video images have allowed the ability for the human face to be used as a controller for lighting).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Lys reference to utilize face recognition and facial expression recognition as taught by Ludwig, to enhance the dynamics and functionality of the lightening system by providing a deeper integration of visual environment.

Response to Arguments

9. Applicant's arguments filed on 7/30/08, in regards to claims 1 and 8, have been fully considered but they are not persuasive. Applicant argues that the Lys reference does not disclose analyzing the received video signal to determine optical properties of an image to be formed by the video signal and setting a property of ambient light generated by the at least one ambient light source based upon the determined optical properties (see second page of remarks section). This argument is not considered persuasive since the Lys reference does disclose all the

limitations as mentioned above within figure 85 and columns 47-50. In particular the applicant is interpreting the claim limitation too narrowly and is not the same interpretation as the examiner's interpretation. The first limitation only calls for analyzing a video signal to determine optical properties of an image to be formed by the video signal. The examiner is interpreting the optical properties of an image to be formed by the video signal as the lighting/illumination control data for controlling the illumination sources 501 that are simultaneously linked with the video signal that holds images. Reiterating, the optical properties of an image to be formed by the video signal is met by the lighting/illumination control data that determines the lighting, whether it be color, flashes, etc, that is part of the entertainment/television signal which has images; meaning that the lighting/illumination control data which is linked to the entertainment/television signal is an optical property of an image of the entertainment/television signal. Furthermore, taking the interpretation as stated above in regards to optical properties, it is clearly seen that Lys also discloses setting a property of ambient light generated by the at least one ambient light source based upon the determined optical properties within Lys, col. 47, line 60 – col. 49, line 64. The section mentioned beforehand states, color and intensity of room lights may be directly controlled through certain portions of the bandwidth of television signal, control data may be sent to the illumination sources, which are depicted as light modules 100, as a result, illumination control may be associated with an entertainment signal, so that the illumination produced by the illumination sources 501 can be matched to the entertainment signal played on the entertainment device 514, room lights may be synchronized and trolled to create different conditions simultaneously with event that occur in programs that are being displayed on a television.

Applicant argues that Lys analyzes the television signal, it is detecting the encoded lighting control signal, and not optical properties of an image to be formed by the video signal (see third page, remarks section). This argument is not considered persuasive as mentioned before since optical properties of an image to be formed by the video signal is interpreted as lighting/illumination control data which is linked to the entertainment/television signal that comprises of images is an optical property of an image of the entertainment/television signal.

Applicant argues that Lys does not disclose analyz[ing] the video signal to determine optical properties of an image to be formed by the video signal and furthermore, the applicant refers to the specification as optical properties of an image to be formed by the video signal include hue, saturation, brightness, color, etc. (see third page, remarks section). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., optical properties of an image to be formed by the video signal include hue, saturation, brightness, color) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Ludwig does not disclose "analyzing the received video signal to determine optical properties of an image to be formed by the video signal" and "setting a property of ambient light generated by the at least one ambient light source based upon the determined optical properties" (see fourth page, remarks section). This argument is not considered persuasive since it is the Lys reference that discloses the limitations and can be seen in the rejection and arguments as stated above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD PARK whose telephone number is (571)270-1576. The examiner can normally be reached on M-F 10:30 - 20:00, (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on (571) 272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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